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26 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

27 CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other similarly
situated,

Plaintiffs,
v.
GOOGLE LLC,
Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**SUPPLEMENTAL DECLARATION OF
JAMES LEE ISO PLAINTIFFS' MOTION
FOR AN AWARD OF ATTORNEYS'
FEES, COSTS, AND SERVICE AWARDS**

Judge: Hon. Yvonne Gonzalez Rogers
Date: August 7, 2024
Time: 2:30 p.m.
Location: Courtroom 1 – 4th Floor

SUPPLEMENTAL DECLARATION OF JAMES LEE

I, James Lee, declare as follows:

1. I am a partner with the law firm of Boies Schiller Flexner LLP (“BSF”), counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of Florida and admitted *pro hac vice* for this case. Dkt. 9. I have personal knowledge of the matters set forth herein and am competent to testify.

2. On April 23, 2024, BSF, Morgan & Morgan, and Susman Godfrey (collectively, “Plaintiffs’ Counsel”) filed Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards (Dkt. 1106, the “Motion”) and submitted to the Court records of attorneys’ fees and costs Plaintiffs’ Counsel incurred in pursuing this litigation.

3. I was personally responsible for reviewing the fees and costs sought to be recovered with the Motion, and I was personally (along with other Plaintiffs' Counsel) involved with the review of all work performed by the experts retained by Plaintiffs' Counsel and their invoices prior to payment. We reviewed all of those invoices prior to payment to ensure that those payments were appropriate for the work performed by those experts.

4. On June 7, 2024, Google filed its Opposition to Plaintiffs' Motion for an Award of Attorneys' Fees, Costs, and Service Awards (Dkt. 1111, the "Opposition"), where Google in part objected to certain costs incurred by Plaintiffs' Counsel.

5. First, Google asserts that a partner submitted as a cost an Uber ride “from an establishment that appears to be a day spa.” Opp. at 23. That was not a day spa. On August 16, 2023, I took that Uber ride from 112 West 25th Street, New York, NY, 10001, to 229 East 9th Street, New York, NY, 10003, arriving at 12:08 pm. The 229 East 9th Street address is for a noodle shop called Sobaya. The bill for the restaurant came out to \$52.84, which I paid at 12:37 pm and left immediately after. Attached hereto as **Exhibit 1** is a true and correct copy of the receipt for this meal at Sobaya. Google is likely confused because Keisy (a spa) is located on the

1 second floor of the same address.¹ The two businesses are distinct establishments and have
 2 separate storefronts. The accounting department mistakenly entered the spa, not the restaurant,
 3 based on the address. I have never visited the spa, and no charges from that spa or any spa were
 4 ever incurred or submitted by me in this case. Had Google inquired about this cost entry, as the
 5 parties agreed to do, this issue would have been resolved absent Court involvement.

6. Second, Google challenges an Uber ride from “a karaoke bar.” I took that Uber
 7 ride, along with other Plaintiffs’ Counsel, on September 9, 2023, for a “meet[ing] with Google
 8 whistleblower, Blake Lemoine.” Broome Decl. Ex. 2 (Dkt. 1112-4). This is clearly stated in the
 9 cost records Plaintiffs’ Counsel provided to Google and submitted to this Court for *in camera*
 10 review: “Travel to San Francisco, CA to meet with Google whistleblower, Blake Lemoine.”
 11 Google, notably, fails to mention this in its Opposition. Mr. Lemoine chose the location for this
 12 meeting, insisting the meeting be held at a place where their in-person conversation would not
 13 be overheard. Again, Google should have inquired about this cost, as it agreed to do, but it
 14 intentionally did not do so to instead suggest some impropriety by Plaintiffs’ Counsel. There was
 15 no impropriety with this cost.

7. Third, in its Opposition Google also for the first time objected to Plaintiffs’
 16 Counsel’s request to recover costs for legal research incurred throughout this litigation, asserting
 17 that there is no “evidentiary support that such fees were actually incurred” given that many law
 18 firms “maintain flat-fee subscriptions for legal research services.” Opp. at 24.

8. Those legal research fees are fees incurred for this litigation. BSF maintains
 19 monthly subscriptions for certain legal research activities, including Westlaw and Lexis. Pursuant
 20 to these arrangements, BSF agrees to pay for a minimum volume of services from these providers
 21 per month. In the event attorneys or paralegals use these platforms in excess of this amount in a
 22 given month, these providers charge BSF a certain rate for all other services in contract utilized
 23 during that month. To access these services, BSF attorneys and paralegals must use a billing code
 24

25
 26
 27 ¹ The address for Keisy is 229 East 9th Street, 2nd Floor, New York, NY, 10003, available at
 https://www.keisynyc.com/.

1 that corresponds with the case on which they are working. At the end of each month, Lexis and
 2 Westlaw provide BSF invoices breaking down the costs incurred pertaining to each matter. BSF
 3 uses this same allocation method for both contingency clients and fee-paying clients. For this
 4 Motion, BSF seeks reimbursement only for the amounts paid by BSF for the fees the legal
 5 research providers allocated to this matter, as well as one-off research costs incurred for this
 6 litigation. All of these allocations and costs are documented in the April 23, 2024 *in camera* costs
 7 submission.

8 9. Google also raised objections to specific attorneys' fees. On May 21, 2024,
 9 Google's Counsel identified 15 BSF time entries flagged as duplicates and one BSF time entry
 10 which appeared to be submitted in error. Pursuant to the parties' agreement, Plaintiffs' Counsel
 11 reviewed those time entries. Plaintiffs' Counsel has removed all 15 time entries identified as
 12 duplicates from consideration, and Plaintiffs' Counsel no longer seeks fees based on that time.
 13 The other BSF time entry flagged by Google was not submitted in error but was submitted with
 14 an incorrect date (the correct date is August 21, 2023).

15 10. In its Opposition, Google also objected to one BSF time entry of "\$935 for an
 16 associate to reserve space for mediation at their office." Opp. at 13. The full entry reads that this
 17 associate spent 1.1 hours "mak[ing] logistical arrangements, including reserving office space, for
 18 upcoming mediation." While I believe that time was properly recorded, Plaintiffs' Counsel are
 19 nonetheless removing this entry, to narrow the scope of the parties' dispute.

20 11. Contemporaneously with this filing, Plaintiffs' Counsel is submitting to this Court
 21 an updated set of BSF time records for *in camera* review, where the 16 entries that have been
 22 removed are highlighted and the date for the August 2023 entry has been corrected. With these
 23 changes, Plaintiffs' Counsel are now seeking fees based on a slightly reduced lodestar, with a
 24 total BSF lodestar of \$20,857,068.50 (as compared to the prior BSF lodestar submitted with the
 25 Motion, which was \$20,872,319.50).

26 I declare under penalty of perjury, under the laws of the State of Florida, that the foregoing
 27 is true and correct. Executed on June 21, 2024, at Miami, Florida.

/s/ James Lee

James Lee

Lee Exhibit 1

Google Incognito Screenshot
from phone

James Lee

蕎麦屋
sobaya

Sobaya

229 E 9TH ST
NEW YORK, NY
10003-7536
(212) 533-6966
<https://www.sobaya-nyc.com/>

Aug 16, 2023
12:37 PM

Ticket: B7

Authorization: 02473D

Receipt: ZSH6

CHASE VISA

AID A0 00 00 00 03 10 10

	INDOOR
[L] Customer Count × 1	\$0.00
Discount: Donburi Special	\$0.00
Una Ju × 1	\$20.04
Reg price	\$22.00
Discount: Donburi Special	-\$1.96
Tanuki × 1	\$14.58
Soba	
Reg price	\$16.00
Discount: Donburi Special	-\$1.42
Asahi × 1	\$6.38
Reg price	\$7.00
Discount: Donburi Special	-\$0.62
Subtotal	\$41.00
Sales Tax	\$3.64
Tip	\$8.20
Total	\$52.84
Visa 5463 (Contactless)	\$52.84
Visa Cardholder	

* Thank you for being Sobaya customers.
We truly appreciate your business and look
forward to serving you again!!